



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID EIDMAN,

Plaintiff,

:

ORDER

-against-

:

08 Civ. 3392 (LBS)

ERNEST STANLEY O'NEAL, et al.,

:

Defendants.

:

-----X
In re: MERRILL LYNCH & CO., INC.

:

Securities, Derivative & ERISA Litigation

:

-----X
SAND, J.

The Court will defer consideration of the motion to dismiss until such time as it
hears and decides defendants' motion to dismiss in the parallel consolidated case.

SO ORDERED.

Dated: New York, New York
June 18, 2008

A handwritten signature in black ink, appearing to read "S. J. Sand", written over a horizontal line.

U.S.D.J.